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**U.S. District Court
District of New Hampshire (Concord)
CRIMINAL DOCKET FOR CASE #: 1:21-cr-00033-PB All Defendants**

Case title: USA v. Rupert

Date Filed: 03/01/2021

Date Terminated: 07/19/2021

Assigned to: Judge Paul J. Barbadoro

Defendant (1)

John Rupert

TERMINATED: 07/19/2021

represented by **Eric Wolpin**

Federal Defender's Office

The Ralph Pill Bldg

22 Bridge St

Concord, NH 03301

603 226-7360

Email: eric_wolpin@fd.org

LEAD ATTORNEY

ATTORNEY TO BE NOTICED

Designation: Public Defender or

Community Defender Appointment

Pending Counts

18 U.S.C. § 875(c)- Interstate Threatening
Communications

(1)

Disposition

1 year Probation with Mandatory, Standard
and Special Conditions; \$100 Special
Assessment due immediately; \$1,515.96
Restitution with payment schedule; Fine
waived due to inability to pay

Highest Offense Level (Opening)

Felony

Terminated Counts

None

Disposition

Highest Offense Level (Terminated)

None

Complaints

None

Disposition

Plaintiff**USA**

represented by **Georgiana MacDonald**
 US Attorney's Office (NH)
 James C Cleveland Federal Bldg
 53 Pleasant St, 4th Flr
 Concord, NH 03301
 603 230-2582
 Email: georgiana.macdonald@usdoj.gov
LEAD ATTORNEY
ATTORNEY TO BE NOTICED
Designation: Assistant US Attorney

Charles L. Rombeau
 US Attorney's Office (NH)
 James C Cleveland Federal Bldg
 53 Pleasant St, 4th Flr
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 603 225-1552
 Fax: 603 225-1470
 Email: charles.rombeau@usdoj.gov
ATTORNEY TO BE NOTICED

Michael T. McCormack
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Date Filed	#	Docket Text
03/01/2021	<u>1</u>	INDICTMENT as to John Rupert (1) count 1. Original document available in clerk's office.(js) Modified on 3/9/2021 to delete "SEALED" (kad). (Entered: 03/02/2021)
03/01/2021	<u>3</u>	MOTION to Seal Case at Level II until defendant is taken into custody by USA as to John Rupert. (js) (Entered: 03/02/2021)
03/01/2021		ENDORSED ORDER granting <u>3</u> Motion to Seal Case at Level II as to John Rupert (1). Text of Order: Granted. So Ordered by Magistrate Judge Andrea K. Johnstone. (js) (Entered: 03/02/2021)
03/01/2021	<u>4</u>	Praecipe for Warrant by USA as to John Rupert. (js) (Entered: 03/02/2021)
03/02/2021		Arrest Warrant Issued as to John Rupert. Original warrant and copies to US Marshal and US Probation.(js) (Entered: 03/02/2021)
03/09/2021		Arrest of John Rupert.(kad) (Entered: 03/09/2021)
03/09/2021		NOTICE to Attorneys of Record: Defendant taken into custody. The case has been unsealed. All future pleadings shall be filed in accordance with this district's Supplemental Rules for Electronic Case Filing. (kad) (Entered: 03/09/2021)
03/09/2021		NOTICE OF HEARING as to John Rupert. Initial Appearance/Arraignment via Video set for 3/9/2021 01:30 PM before Magistrate Judge Andrea K. Johnstone. (kad) (Entered: 03/09/2021)

		03/09/2021)
03/09/2021	5	PUBLIC ACCESS FINDINGS as to John Rupert. So Ordered by Magistrate Judge Andrea K. Johnstone. (kad) (Entered: 03/09/2021)
03/09/2021		Minute Entry for proceedings held before Magistrate Judge Andrea K. Johnstone: INITIAL APPEARANCE and ARRAIGNMENT via Video as to John Rupert (1) Count 1 held on 3/9/2021. The court found the defendant knowingly and voluntarily consented to a hearing by video and waived an in-court hearing. The court appointed counsel conditioned on the filing and approval of a financial affidavit. Defendant advised of rights & charges, waived reading of indictment, and pled not guilty. Prosecutor's Brady disclosure obligations confirmed. Upon agreement of the parties, defendant released on conditions. Trial Date: 5/4/2021, 1-2 days. Disclosure Statement due 4/6/2021. The court only follow up date DOES NOT include 3 additional days that may apply per FRCP 6(d) and FRCrP 45(c). (Court Reporter: Brenda Hancock) (Govt Atty: Georgiana MacDonald) (Defts Atty: Eric Wolpin) (USP: Karin Hess)(Total Hearing Time: 30 min.) (kad) (Entered: 03/09/2021)
03/09/2021	6	ORDER Setting Conditions of Release as to John Rupert. So Ordered by Magistrate Judge Andrea K. Johnstone. (Attachments: # 1 OSCR with Defendant's Original Signature) (kad) (Entered: 03/09/2021)
03/09/2021		ORDER Pursuant to FRCrP 5. In compliance with the Due Process Protections Act, the court issues the following Order: Consistent with Brady v. Maryland, 373 U.S. 83 (1963), and its progeny, the United States is ordered to disclose all exculpatory information, in a timely manner, to the defendant. This information includes, but is not limited to, evidence that is material and is favorable to the accused. The failure to discharge this obligation may result in consequences, including the reversal of any conviction, exclusion of evidence, adverse jury instructions, dismissal of charges, contempt proceedings and/or sanctions by the court. So Ordered by Magistrate Judge Andrea K. Johnstone. (kad) (Entered: 03/09/2021)
03/09/2021	7	Arrest Warrant Returned Executed on 3/9/2021 as to John Rupert.(js) (Entered: 03/10/2021)
03/10/2021		TRIAL NOTICE: Jury Selection/Trial set for two week period beginning 5/4/2021 09:30 AM before Judge Paul J. Barbadoro. Final Pretrial Conference set for 4/22/2021 03:15 PM before Judge Paul J. Barbadoro. JERS Statement due 4/27/2021. Any motion to continue shall be filed 1 week before the Final Pretrial Conference or the Final Pretrial will be held as scheduled. (js) (Entered: 03/10/2021)
03/19/2021	8	REFILED SEE DOC. NO. 10 COLLATERAL ITEM RECEIPT no. 574 as to John Rupert for Passport issued to John Rupert.(mc) Modified on 3/22/2021 to add: Refiled text (js). (Entered: 03/19/2021)
03/19/2021	9	COLLATERAL ITEM RECEIPT no. 575 as to John Rupert for Passport (Israel) issued to John Rupert.(mc) (Entered: 03/19/2021)
03/19/2021	10	COLLATERAL ITEM RECEIPT no. 576 as to John Rupert for Passport (USA) issued to John Rupert.(mc) (Entered: 03/19/2021)
03/22/2021		ENDORSED ORDER. This case is scheduled for trial in May. On or before 4/5/2021, counsel shall file either a motion to continue or, if the case is ready to proceed to trial as scheduled, a Joint Trial Status Report. Counsel shall meet and confer, and defense counsel shall confer with the defendant, prior to making any submission pursuant to this order. The information provided in the Joint Trial Status Report will be used to assign this case priority on the May trial list. So Ordered by Judge Paul J. Barbadoro. (js) (Entered: 03/22/2021)

04/01/2021	11	PLEA AGREEMENT as to John Rupert. (js) (Entered: 04/01/2021)
04/01/2021		NOTICE OF HEARING as to John Rupert. Change of Plea Hearing set VIA VIDEO CONFERENCE for 4/7/2021 02:00 PM before Judge Paul J. Barbadoro. NOTICE: For cost containment purposes, the court prefers that the USPO conduct the PSR interview immediately following the COP hearing. Thus, prior to the COP hearing, a USPO may contact counsel for the purpose of scheduling the PSR interview after the COP hearing. (js) (Entered: 04/01/2021)
04/07/2021		Minute Entry for proceedings held before Judge Paul J. Barbadoro: CHANGE OF PLEA HEARING held VIA VIDEO CONFERENCE on 4/7/2021 as to John Rupert (1) Guilty Count 1. Defendant knowingly, intelligently and voluntarily waives right to an in-person hearing and agrees to move forward via video conference. Defendant sworn and advised of rights/charge(s). Court accepts guilty plea. Bail continued as previously set. (Court Reporter: Brenda Hancock) (Govt Atty: Georgianna MacDonald) (Defts Atty: Eric Wolpin)(Total Hearing Time: 15 minutes) (js) (Entered: 04/07/2021)
04/07/2021		NOTICE OF HEARING as to John Rupert. Sentencing set VIA VIDEO CONFERENCE for 7/14/2021 10:00 AM before Judge Paul J. Barbadoro. <i>The court has allotted 1 hour for the hearing. Please contact the court immediately if you anticipate the hearing will exceed the allotted time. Any motion seeking a departure or variance, as well as any sentencing memorandum, shall be filed 10 days prior to the sentencing date. Any response shall be filed 4 days prior to sentencing date.</i> (js) (Entered: 04/07/2021)
04/07/2021	12	MOTION to Appoint Counsel with Financial Declaration by John Rupert. (Attachments: # 1 Financial Affidavit) <i>Document available in clerks office.</i> (js) (Entered: 04/07/2021)
04/08/2021		ENDORSED ORDER granting 12 Motion to Appoint Counsel. Federal Public Defender Eric Wolpin appointed in the case as to John Rupert (1). Text of Order: Granted. So Ordered by Magistrate Judge Andrea K. Johnstone. (js) (Entered: 04/08/2021)
05/24/2021	13	NOTICE OF ATTORNEY APPEARANCE Charles L. Rombeau appearing for USA. Attorney Charles L. Rombeau added to party USA(pty:pla).(Rombeau, Charles) (Entered: 05/24/2021)
06/29/2021		RESCHEDULING NOTICE OF HEARING as to John Rupert. Sentencing set VIA VIDEO CONFERENCE for 7/19/2021 11:00 AM before Judge Paul J. Barbadoro. <i>The court has allotted 1 hour for the hearing. Please contact the court immediately if you anticipate the hearing will exceed the allotted time. Any motion seeking a departure or variance, as well as any sentencing memorandum, shall be filed 10 days prior to the sentencing date. Any response shall be filed 4 days prior to sentencing date.</i> (js) (Entered: 06/29/2021)
07/09/2021	17	SENTENCING MEMORANDUM by John Rupert. (Wolpin, Eric) (Entered: 07/09/2021)
07/19/2021	18	ACKNOWLEDGMENT of Sentencing Options by John Rupert. (js) (Entered: 07/19/2021)
07/19/2021		Minute Entry for proceedings held before Judge Paul J. Barbadoro: SENTENCING held on 7/19/2021 for John Rupert (1) Sentenced on Count 1. Defendant knowingly, intelligently and voluntarily waives right to an in-person hearing and agrees to move forward via video conference. Fine waived due to inability to pay. Appeal rights to defendant. (Court Reporter: Liza Dubois) (Govt Atty: Charles Rombeau) (Defts Atty: Eric Wolpin) (USP: Sean Buckley)(Total Hearing Time: 20 minutes) (js) (Entered: 07/19/2021)
07/19/2021	19	JUDGMENT as to John Rupert (1), Count 1- 1 year Probation with Mandatory, Standard and Special Conditions; \$100 Special Assessment due immediately;

		\$1,515.96 Restitution with payment schedule; Fine waived due to inability to pay. So Ordered by Judge Paul J. Barbadoro. (js) (Entered: 07/20/2021)
07/20/2021	<u>20</u>	ORDER RE RETURN OF POSTED COLLATERAL as to John Rupert RE <u>9</u> Collateral Item Receipt. So Ordered by Judge Paul J. Barbadoro. (js) (Entered: 07/20/2021)
07/20/2021	<u>21</u>	ORDER RE RETURN OF POSTED COLLATERAL as to John Rupert RE <u>10</u> Collateral Item Receipt. So Ordered by Judge Paul J. Barbadoro. (js) (Entered: 07/20/2021)
07/23/2021	<u>22</u>	COLLATERAL ITEM RETURNED as to John Rupert re: <u>9</u> Collateral Item Receipt. Sent to U.S. Department of State. Collateral item Israel Passport No. 14595628.(js) (Entered: 07/23/2021)
07/23/2021	<u>23</u>	COLLATERAL ITEM RETURNED as to John Rupert re: <u>10</u> Collateral Item Receipt. Sent to U.S. Department of State. Collateral item U.S. Passport #645025199.(js) (Entered: 07/23/2021)
07/23/2021		COLLATERAL ITEM RETURNED as to John Rupert re: 8 Collateral Item Receipt. (dt) (Entered: 08/06/2021)
08/09/2021	<u>24</u>	COLLATERAL RETURN ACKNOWLEDGEMENT re: <u>10</u> COLLATERAL ITEM RECEIPT no. 576 as to John Rupert for Passport (USA) issued to John Rupert.(mc) The following agency or individual acknowledges receipt of the noted collateral item: U.S. Department of State. (js) (Entered: 08/13/2021)
08/25/2021	<u>25</u>	SATISFACTION OF JUDGMENT by USA as to John Rupert Attorney Michael T. McCormack added to party USA(pty:pla). (McCormack, Michael) (Entered: 08/25/2021)
02/02/2022	<u>26</u>	Probation Jurisdiction Transferred to District of Maine as to John Rupert. Transmitted Transfer of Jurisdiction form, with copies of the charging document, judgment and docket sheet. (js) (Entered: 02/02/2022)
02/02/2022	<u>27</u>	Notice to District of Maine of a Transfer of Jurisdiction of Probation as to John Rupert. Your case number is: 2:22-cr-00009-NT. The docket sheet and documents pertinent to this transfer are attached. If you require certified copies of any documents, please send a request to InterdistrictTransfer_@nhd.uscourts.gov. If you wish to designate a different email address for future transfers, send your request to InterDistrictTransfer_TXND@txnd.uscourts.gov. (js) (Entered: 02/02/2022)